

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, AUGUST 5, 2024**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were Chairman Rebecca McCall, Vice-Chair J. Michael Edney, Commissioner William Lapsley, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Chris Todd, Financial Services Director Samantha Reynolds, Public Safety Director Jimmy Brissie, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were County Engineer Marcus Jones, Public Health Director David Jenkins, Chief Communications Officer Mike Morgan, Public Information Officer Kathryn Finotti, A/V Technician Oscar Guerrero, Finance Director Randy Cox, Soil and Water Conservation District Director/Conservationist Director Jonathan Wallin, Betsy Gerwig, Planner Liz Hanson, Planning Director Autumn Radcliff, DSS Director Lorie Horne, Parks and Recreation Director Bruce Gilliam, Park Maintenance Supervisor Jason Kilgore, Human Resources Director Karen Ensley, and Sheriff Lowell Griffin. Deputies Tracy Davis and Dakota Tittle provided security.

CALL TO ORDER/WELCOME

Chairman McCall called the meeting to order and welcomed all in attendance.

INVOCATION

Pastor David Dickerson with Mountain Valley Baptist Church provided the invocation.

PLEDGE OF ALLEGIANCE

With Leaders in Training, Agnes Willis led the Pledge of Allegiance to the American Flag.

INFORMAL PUBLIC COMMENT

1. Agnes Willis, the Youth Voice Representative for the upcoming NCACC Commissioners Conference, spoke regarding the positive impacts of participating in local 4-H programs.
2. Dennis Justice opposed the proposed sports complex at Berkeley or Jackson Parks and expressed the need for recreational facilities in the Town of Fletcher.
3. Ken Fitch spoke about the importance of preserving Berkely Park due to the property's history.
4. Kirk Hall urged the Board to revoke the Special Use Permit issued for a Men's Drug Rehabilitation Facility in Saluda that had been classified as an Assisted Living Facility.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman McCall pulled Discussion Item B—Asheville Regional Airport Update and explained that it would be presented at an upcoming meeting.

Chairman McCall added NCACC Legislative Goals as Discussion Item B.

Approved:

Commissioner Andreotta stated the following: “Madam Chair, for the record, and so the public, media, or whoever else will not be confused. I spoke out against what is Item S on the agenda before. I am not in favor of that. I’m still not, but it has more than enough votes to pass, so I won’t weigh us down with a heavy agenda tonight to make that a discussion topic. But I want folks to know that my position hasn’t changed. I am not in favor of that purchase.”

Vice-Chair Edney made the motion to approve the consent agenda as amended. All voted in favor, and the motion carried.

CONSENT AGENDA

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meetings:
 July 11, 2024 – Special Called Meeting
 July 17, 2024 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of July 11, 2024, and July 17, 2024.

Revision to Minutes – July 10, 2023

The revised minutes for the July 10, 2023, Special Called Meeting were requested to be approved by the board.

Motion:

I move the Board approve the revised minutes for the July 10, 2023, Board of Commissioners Special Called Meeting.

Tax Collector’s Report

The report from the Tax Collector was provided for the Board’s information.

Please find outlined below collections information through July 24, 2024 for 2024 real and personal property bills to be mailed on August 1, 2024. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

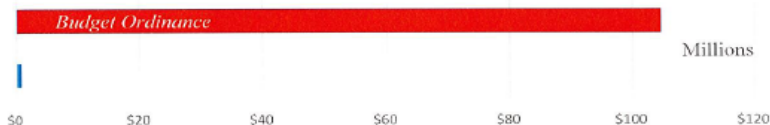
2024 Beginning Charge:	\$99,716,269.32	<p>Unpaid 99.75% Paid 0.25%</p>
Discoveries & Imm.	\$65,514.77	
Releases & Refunds:	(\$22,710.28)	
<u>Net Charge:</u>	<u>\$99,759,073.81</u>	
Unpaid Taxes:	\$99,507,289.97	
Amount Collected:	\$251,783.84	

Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$430,424.11	99.77%
Unpaid Taxes:	\$971.04	
Amount Collected:	\$429,453.07	

Henderson County FY25 Budget Analysis:

<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem: \$103,559,409.00	Ad Valorem: \$681,236.91
Prior Years: \$1,041,250.00	Prior Years: \$111,591.10
Budget Total: \$104,600,659.00	YTD Revenue: \$792,828.01



Approved:

2024.093 Pending Releases & Refunds

The Assessor reviewed the pending releases and refunds and concluded that these findings were in order. Supporting documentation is on file in the County Assessor’s Office.

The pending release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

Type:	Amount:
Total Taxes Released from the Charge	\$706.35
Total Refunds as a result of the Above Releases	\$ 46.29

Motion:

I move the Board approve the Combined Release/Refund Report as presented.

Notification of Vacancies

The Notification of Vacancies was provided for the Board’s information. They will appear on the next agenda under “Nominations.”

- 1. Henderson County Board of Equalization and Review – 1 vac.**
Position # 2 – Regular Position
- 2. Historic Resources Committee – 1 vac.**
Position # 8 – Fletcher Representative
- 3. Nursing/Adult Care Home Advisory Committee – 1 vac.**
Position # 3 - Regular

FY2025 HCCBG Provider Funding Contracts

The Board was requested to approve the Home & Community Care Block Grant contracts for Fiscal Year 2025. The Home & Community Care Block Grant Program is State / Federally funded and administered at the local level. The funding plan for this program was approved at the Board of Commissioners’ meeting on June 19, 2024.

The Contract for County-Based Aging Services outlines the responsibilities of each party for the administration of the Home and Community Care Block Grant program. It allows the Area Agency on Aging (Land of Sky) to provide reimbursement payments to the community service providers on behalf of the County.

Motion:

I move the Board approve the provider contracts for Home and Community Care Block Grant Funds for Fiscal Year 2025.

2024.094 Apple Ridge Project (Housing Assistance) – Subrecipient Agreement

On November 7, 2022, the Board approved an allocation of ARPA funding of \$1,500,000 to the Housing Assistance Corporation for the Apple Ridge Housing Complex.

Approved:

The Board was requested to approve a Subrecipient Agreement with Housing Assistance Corporation.

Motion:

I move the Board approve a Subrecipient Agreement with the Housing Assistance Corporation.

2024.095 Dogwood Health Trust Grant Award – Apple Ridge Housing Project Support

The Board was requested to approve a Grant Award from Dogwood Health Trust of \$1,000,000. The purpose of the grant funds is to provide match funding to Henderson County to support the Apple Ridge affordable housing development. Once completed, this project will provide up to 60 affordable apartments and 20 single-family homes to service residents <60% AMI and seniors.

Staff also requested the Board approve a budget amendment for the grant funding.

Motion:

I move the Board approve the Grant Award and the related budget amendment.

Not-for-Profit Funding Agreements

Subsequent to the approval of the FY 2024-2025 Budget, staff distributed the funding agreements to the not-for-profit agencies receiving County allocations.

Motion:

I move the Board authorize the Chairman to execute the funding agreements thereby authorizing the release of the initial payment to the named agencies.

Facility Use Policy Exemption – Special Needs Sports

The County received an application from Special Needs Sports to use the Historic Courthouse Courtyard on Saturday, December 7, 2024, from 8:00 a.m. – 2:00 p.m. for a Special Needs Craft Fair.

To allow for this use on County grounds, the Board was requested to grant a one-time exemption to rule #4 of the County Facility Use Policy, which prohibits solicitation. This exemption would cover the date and time specified on the application and outlined above.

Motion:

I move that the Board grant an exemption to the County Facility Use Policy for Special Needs Sports, allowing for the sale of arts and crafts in the Historic Courthouse Courtyard or within the Courthouse, if necessary, on Saturday, December 7, 2024, from 8:00 a.m. – 2:00 p.m.

2024.096 County Border Survey

The boundaries of Henderson County have not been definitively surveyed by accepted modern methods since the inception of the County in 1838. There are numerous ambiguities and uncertainties in defining those boundaries, leading to incorrect property tax listing. The North Carolina Department of Public Safety provides guidance to counties in a memorandum dated

Approved:

February 19, 2019, outlining the process for requesting a survey by the North Carolina Geodetic Survey (NCGS) for the purpose of reconciling said ambiguities and uncertainties. It further requires the appointment of one or more special commissioners or contact agents to assist NCGS with existing county records as needed. There is no cost to the county for this project.

Motion:

I move the Board approve the Resolutions Authorizing County Line Surveying of Rutherford, Transylvania, Buncombe, and Polk Counties and the appointment of Harry Rising as special Commissioner to the North Carolina Geodetic Survey for this project as presented.

2024.097 Budget Amendments for Existing Grant Projects

On September 15, 2021, the Board approved the Edneyville Community Center grant awarded to Henderson County Soil and Water Conservation District for stream restoration, establishing a riparian buffer and native vegetation, and creating an educational access point/outdoor learning lab.

On February 6, 2023, the Board approved a Community Conservation Assistance Program (CCAP) Grant awarded to Henderson County Soil and Water Conservation District for Rugby Middle School's Mill Pond Creek Restoration Project. The project included stream bank stabilization, the establishment of a riparian buffer and native vegetation, and the creation of an educational access point/outdoor learning lab.

Grant funding remains unspent as of FY2025. The Board was requested to approve budget amendments to appropriate remaining grant funds to FY25 for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

Motion:

I move the Board of Commissioners approve the budget amendments for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

2024.098 Engineering Services Contract Approval - Jackson Park Feasibility and Engineering Study

The Board was requested to approve the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000. The selection of the engineering company for this project was approved at the December 4, 2023, meeting. The Board committed to acquire the additional \$50,000 in matching funds to the NC Department of Environmental Quality, Division of Water Resources: Water Resources Development Grant at the February 6, 2023 meeting. The approval of the grant and the budget amendment for Y24 were approved at the October 2, 2023 meeting. The current Budget Amendment moves the funding to Y25.

Motion:

I move the Henderson County Board of Commissioners to accept the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000, approve the budget amendment, and direct staff to proceed.

Approved:

2024.099 Town of Mills River – Updated Library Lease Agreement

The Town of Mills River desires a new lease, which will essentially be the existing working arrangement for the Henderson County Public Library branch housed in Mills River's facilities. Under previous agreements, the Town constructs and maintains the building in which the branch is located, and the County operates the actual library.

A draft of the updated lease agreement was provided for Board approval and is attached to these minutes.

Motion:

I move that the Board approve the draft lease agreement with the Town of Mills River.

NC State Budget Soil and Water Appropriation – Vendor Selection for Project Management Company

On April 1, 2024, the Board authorized a scope of work and budget amendment for a \$14,000,000 State Budget allocation for the Henderson County Soils and Water Department. This allocation was made as directed by the NC General Assembly pursuant to Session Law 2023-134 (House Bill 259) for stream restoration and flood resiliency projects.

On July 17, 2024, Senator Moffitt provided the Board with additional information as a project listing. The Board requested that staff incorporate these projects into the scope of work.

A request for qualifications was issued between June 19, 2024, and July 10, 2024. Three qualifying submissions were received on time. Based on the review by the Soil and Water Conservation District staff and Chris Todd, Assistant County Manager, the most qualified firm is Resource Institute. The Board was requested to approve the selection of the qualified firm to provide project management services for this NC State Budget Allocation.

Motion:

I move the Board accept the selection of Resource Institute to provide project management services for this NC State Budget Allocation and to authorize staff to enter negotiations with the selected firm.

2024.100 Budget Amendment – Etowah Sewer Company Acquisition

On July 17, 2024, the Board approved the acquisition of the Etowah Sewer Company for a cost of \$400,000.

To complete this purchase, the Board was requested to approve a Budget Amendment transferring \$400,000 from the Capital Reserve Fund to the Capital Projects Fund.

Motion:

I move the Board approve the budget amendment, transferring funds from Capital Reserve Fund to the Capital Projects Fund.

2024.101 Etowah Sewer System Budget and Fee Schedule

The Board approved the agreement to purchase the assets of the Etowah Sewer Company on July 17, 2024.

Approved:

As part of the acquisition of the Etowah Sewer System, the County requested the Board adopt a proposed Budget of \$182,602 for its operations. Current billing will be done according to the current fee schedule for the Etowah Sewer System.

Motion:

I move that the County approve the proposed Budget of \$182,602 for the Etowah Sewer System and that the County adopt the current fee schedule of the Etowah sewer system.

Request for Surplus Vehicle - Recreation

Recreation staff identified a surplus vehicle that would be useful for their operations. A 2010 Chevy transport vehicle (PB-048/FA 14742) was replaced in a previous fiscal year in the Facilities Services Department and is now up for surplus. The Recreation Department would like to request this vehicle for moving tools and equipment as part of its daily operations.

Motion:

I move the Henderson County Board of Commissioners approve the retention of one vehicle, originally scheduled to be surplused in FY24 (PB-048/FA 14742), to be utilized by the Recreation Department.

2024.103 Resolution Directing Purchase of Property – Allen Street & Grove Street

The title work on the property adjoining the west side of Grove Street between Allen Street and First Avenue has been completed, and a title insurance binder has been obtained. Besides the actual closing, a Resolution of this Board directing the closing is required.

Motion:

I move that the Board adopt the proposed resolution.

NCACC Annual Conference – Voting Delegate

The North Carolina Association of County Commissioners (NCACC) has requested that the Board of Commissioners designate a Voting Delegate for the NCACC's 117th Annual Conference.

The Conference will be held in Forsyth County from August 8 to 10, 2024. The Conference Business Session will be on Saturday, August 10, at 2:30 p.m., and each county is entitled to one vote on items that come before the membership.

To facilitate the voting process, the NCACC requests that each county designate one voting delegate prior to the Conference and one alternate if desired.

Motion:

I move the Board designate Chair Rebecca McCall as Henderson County's voting delegate to the NCACC Annual Conference with Christopher Todd, Assistant County Manager, as the alternate.

Vice-Chair Edney made the motion that the Board adopt the consent agenda. All voted in favor, and the motion carried.

PUBLIC HEARINGS

Chairman McCall made the motion to go into the Public Hearing. All voted in favor, and the motion carried.

Approved:

2024.104 Public Hearing

Rezoning Application R-2024-02, submitted on May 1st, 2024, requests that the County rezone approximately 13.27 acres of land from the Residential Two Rural (R2R) zoning district to the Residential One (R1) zoning district. The zoning map amendment application is for all PINs 9673-21-1888 & 9673-22-2365 with access and frontage along Hooper Creek Rd (SR 1553). The property owners are Kenneth and Alline Rhodes, and the applicant is Hoopers Creek Land, LLC.

The Planning Board reviewed this request at its July 18, 2024, meeting and voted seven to one to recommend that the Board of Commissioner deny the rezoning request.

PUBLIC NOTICE:

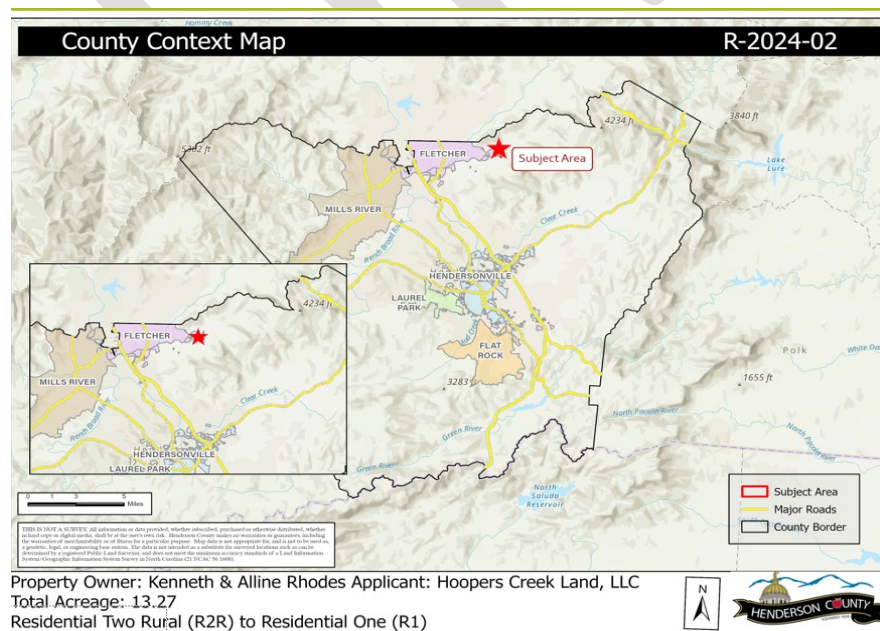
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of August 5, 2024, public hearing regarding rezoning application #R-2024-02 was published in the Hendersonville Lightning on July 24th, 2024, and July 31st, 2024. Notices of the hearing were sent via first class mail to the owners of properties within 400’ of the Subject Area on July 25th, -2024,-and posted signs advertising the hearing on the Subject Area on July 25th, 2024.

REZONING APPLICATION:
R-2024-02

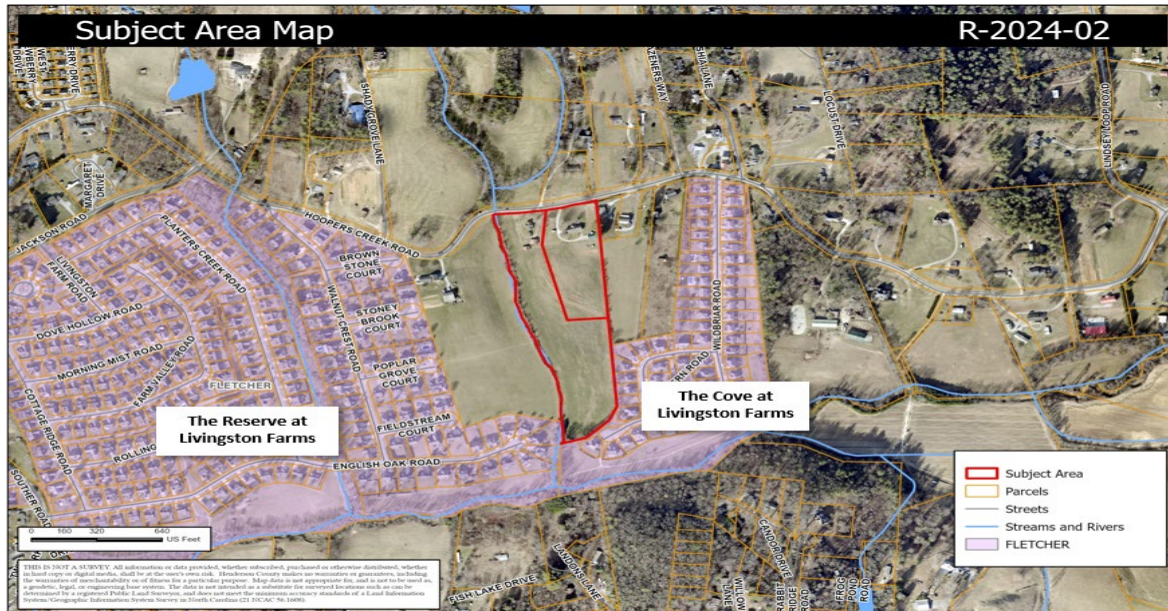
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Application Summary

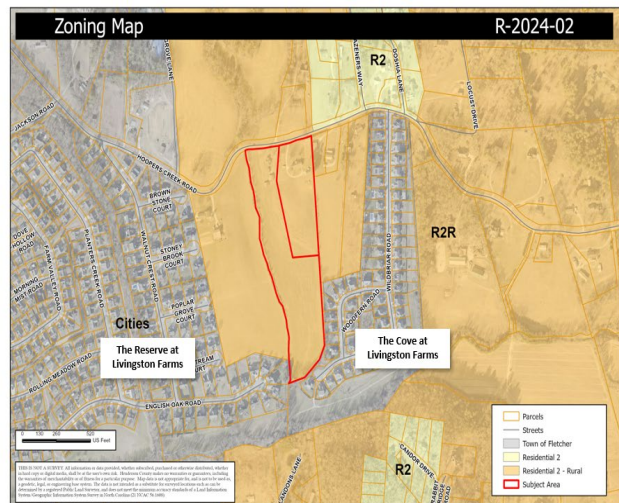
- Rezoning Application R-2024-02, submitted on May 1st, 2024, requests that the County rezone approximately 13.27 acres of land from the Residential Two Rural (R2R) zoning district to the Residential One (R1) zoning district.
- The zoning map amendment application is for all of PINs: 9673-21-1888 & 9673-22-2365 with access and frontage along Hoopers Creek Rd (SR 1553).
- The property owners are Kenneth and Alline Rhodes, and the applicant is Hoopers Creek Land, LLC.
- Moved forward to Planning Board at June 4, 2024, TRC meeting.
- On July 18, 2024, Planning Board voted 7-1 to recommend denial.



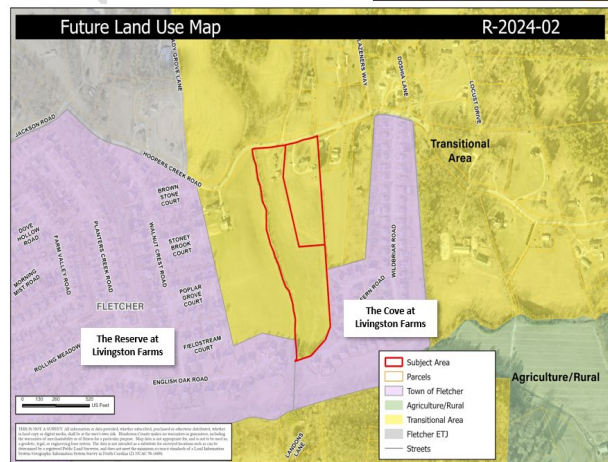
Approved:



Property Owner: Kenneth & Aline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 13.27
 Residential Two Rural (R2R) to Residential One (R1)



A multifamily use application would go through a conditional rezoning. Rezoning to R1 would not allow a density greater than six units per acre.



2025 Comprehensive Plan:

- The subject area is in the Transitional Area, which encompasses residential areas with a limited density of two to four units per acre.

2045 Comprehensive Plan:

- The subject area is located outside the Utility Service Area and working agricultural lands.
- The subject area has access to COH water and MSD sewer.



Planning Board Recommendation

The Planning Board met on **July 18, 2024**, to discuss application #R-2024-02. The Planning Board **voted 7 to 1** to recommend denial for

rezoning from R2R to R1 zoning.

2045 Comprehensive Plan Consistency Statement

1) The Board reviewed the proposed map amendment (#R-2024-02, Hoopers Creek) and finds that it is unreasonable, not in the public interest, and inconsistent with the 2045 Comprehensive Plan and

- **The property is not contiguous to R1 zoning**
- **The property is in the Transitional character area that is slated for lower densities**

2) The Board determines that the proposed map amendment does not provide for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County and

3) This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

Public Input:

1. Phyllis Benbow spoke in opposition to the rezoning application.
2. Robyn Mondin spoke in opposition to the rezoning application.
3. Jay Schloesser spoke in opposition to the rezoning application.
4. Shawn Egan opposed the rezoning application for the sake of a high-rise apartment building.
5. Joel Welsh spoke in opposition to the rezoning application and expressed concern over the number of trees that would be lost if further development were to occur.

Commissioner Lapsley made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Approved:

The attorney representing the applicant requested to address the Board and provided a handout of a PowerPoint presentation intended for review during the meeting.

It was noted that the application had not been sent to the Town of Fletcher for approval.

After discussion, Commissioner Lapsley made the following motion.

Commissioner Lapsley made the motion the Board deny rezoning application #R-2024-02 to rezone the Subject Area from Residential Two Rural (RR2) to Residential One (R1) based on the recommendations of the Henderson County Comprehensive Plan.

Board members further discussed owners' rights in the context of zoning and development regulations.

Commissioner Andreotta's comments were as follows: "I agree with everything that was said. I was sitting here, seeing both sides and the challenges. I was sitting here thinking I would support something that looks like what was around the property, which is a 1/3 acre lot. It's challenging. I have lived in Henderson County my whole life. I was born here, I started here, I stayed here. And, I can assure you, way before zoning and land development codes forty years ago, as a young boy, or in my late teens, around the dinner table, my parents were talking about somebody who was against development somewhere, right? In fairness, a lot of that development is where people live now. It cuts both ways. And it is a very, very tricky path for us to navigate. It is. But I also lean heavily towards supporting things that promote home ownership as opposed to renting. Homeownership is critical and a springboard in people's lives, so I think that something that resembles what is around it – a 1/3 of an acre lot would lean toward promoting home ownership much more. So, I agree with what has been said so far. Thank you."

Commissioner Hill noted that the application mimicked the development surrounding the subject property. The development is already there. He believes all those parcels would eventually be developed.

Vice-Chair Edney said the problem lies with the ordinance, not the people. He said he would vote against the development now.

Commissioner Andreotta asked for the motion to be stated again.

Commissioner Lapsley made the motion the Board deny rezoning application #R-2024-02 to rezone the Subject Area from Residential Two Rural (RR2) to Residential One (R1) based on the recommendations of the Henderson County Comprehensive Plan.

The Chairman asked the Clerk to poll members of the Board for their vote on the motion on the floor. A yay vote would be in favor of denying the application.

The motion to deny the application passed with a 4-1 vote; Commissioner Hill was the nay vote.

Chairman McCall directed the Planning staff to work with the applicant to help direct them in any way possible.

2024.105 Public Hearing for Rezoning Application #R-2024-03 Continental Divide Dr, Regional Commercial (RC) to Residential Two Rural (R2R)

Chairman McCall made the motion to go in to the Public Hearing. All voted in favor, and the motion carried.

Rezoning Application R-2024-03, submitted on May 15th, 2024, requested that the County rezone approximately 21.82 acres of land from the Regional Commercial zoning district to the Residential Two Rural (R2R) zoning district. The zoning map amendment application is for all PINs 9587-53-2165 and 9587-63-2346 with access and frontage along Continental Divide Dr (SR 1891) and Summit Springs Dr. The property owners are Ann Greenwood Revocable Trust (PIN 9587-53-2165) and Doris K Cole 2016 Irrevocable Trust (PIN 9587-63-2346). The applicants are Richard Greenwood (Applicant, PIN 9587-53-2165) and Michael Cole (Additional Owner, PIN 9587-63-2346).

The Planning Board reviewed this request at its July 18, 2024, meeting and voted unanimously to recommend the application for approval.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. Per §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the August 5, 2024, public hearing regarding rezoning application #R-2024-2 was published in the Hendersonville Lightning on July 24th, 2024, and July 31st, 2024. Notices of the hearing were sent via first class mail to the property owners within 400' of the Subject Area on July 25th, 2024, and posted signs advertising the hearing on the Subject Area on July 25th, 2024.

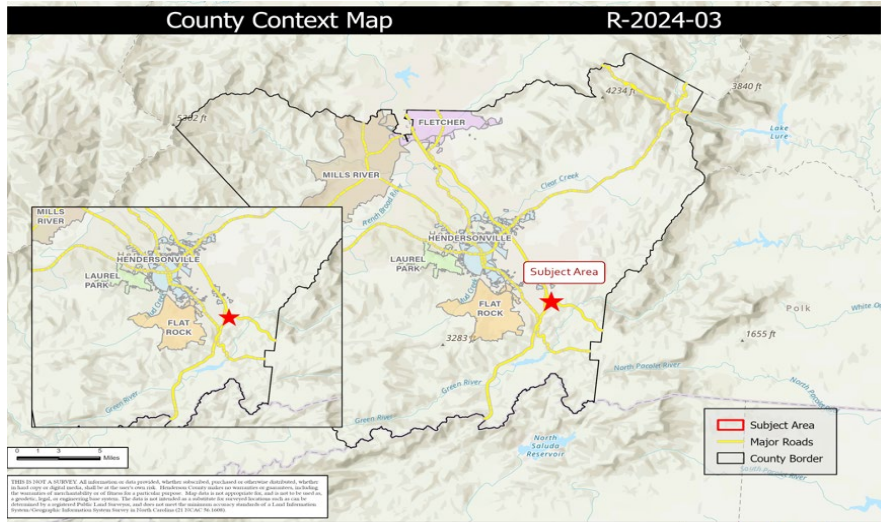
REZONING APPLICATION:

R-2024-03

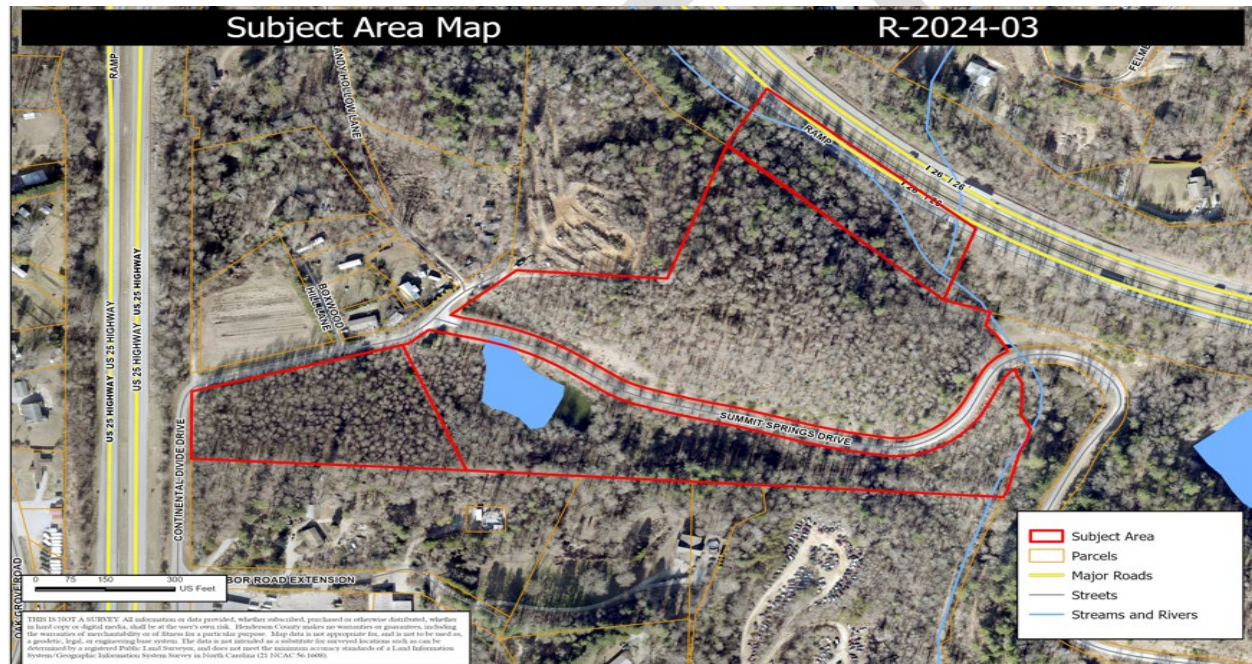
Board of Commissioners • August 5, 2024 • 5:30 PM

- Rezoning Application R-2024-03, submitted on May 15th, 2024, requests that the County rezone approximately 21.82 acres of land from the Regional Commercial (RC) zoning district to the Residential Two Rural (R2R) zoning district.
- The zoning map amendment application is for all of PINs: 9587-53-2165 and 9587-63-2346 with access and frontage along Continental Divide Dr (SR 1891) and Summit Springs Dr.
- The property owners are Ann Greenwood Revocable Trust (PIN 9587-53-2165) and Doris K Cole 2016 Irrevocable Trust (PIN 9587-63-2346).
- The applicants are Richard Greenwood (Applicant, PIN 9587-53-2165) and Michael Cole (Additional Owner, PIN 9587-63-2346).
- Moved forward to Planning Board at June 4, 2024, TRC meeting.
- Moved on to Board of Commissioners with a favorable recommendation at July 18, 2024, Planning Board meeting.

Approved:

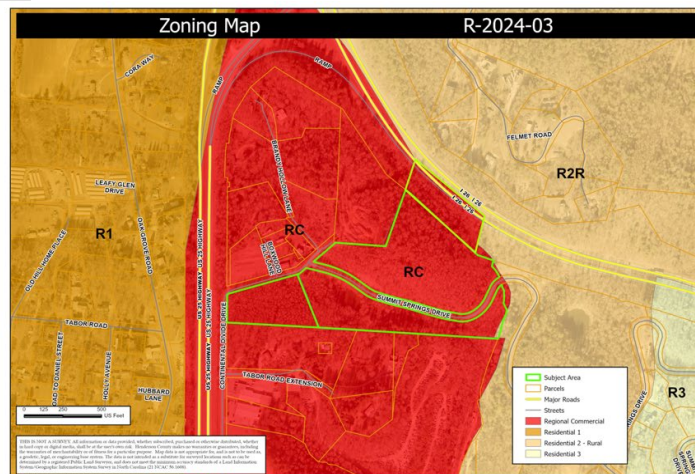


Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust
 Total Acreage: 21.82
 Regional Commercial (RC) to Residential Two Rural (R2R)



THIS IS NOT A SURVEY. All information on this parcel, whether collected, purchased or otherwise obtained, whether actual or digital data, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the accuracy or availability of the information presented. All data is not representative and is not to be used as a guide. Digital or engineering level system. The data is not intended to substitute the survey boundary work as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System Geospatial Information System Survey in North Carolina 121 OAC 10A 0600.

The subject area extends to I-26 and the Residential Two Rural (R2R) zoning district. Extending to the I-26 ROW creates continuity with zoning districts.



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust
 Total Acreage: 21.82
 Regional Commercial (RC) to Residential Two Rural (R2R)



Quick Comparison of Zoning Districts*

Quick Comparison	Regional Commercial (RC)	Residential Two Rural (R2R)
Max Density:	16 units per acre	1 unit per acre
Housing Types:	Singlewide not allowed	Singlewide allowed
Commercial Uses:	Carwash allowed	Carwash not allowed
	Retail Sales > 150k sqft allowed	Retail Sales > 150k sqft not allowed

The subject area is **not eligible** for Maximum Density. Maximum density is Residential Two Rural (R2R) is currently 2 units per acre. To qualify for Maximum Density, the subject area must have **sewer** service.

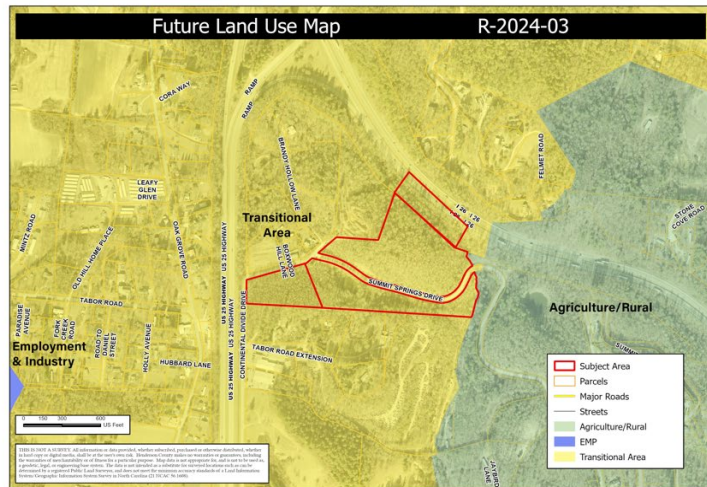
**This table is not a complete list of uses allowed in each district. Please reference the Table of Permitted Uses for more information.*

Planning Board Recommendation

The Planning Board met on **July 18, 2024**, to discuss application #R-2024-03. The Planning Board **voted unanimously** to move the application on to the Board of Commissioners with a **favorable** recommendation.

2045 Comprehensive Plan:

- The subject area is in the Transitional Area, which encompasses residential areas with a limited density of two to four units per acre.



Approved:

2045 Comprehensive Plan:

- The subject area is located outside the Utility Service Area and working agricultural lands.
- The subject area has access to COH water and MSD sewer.



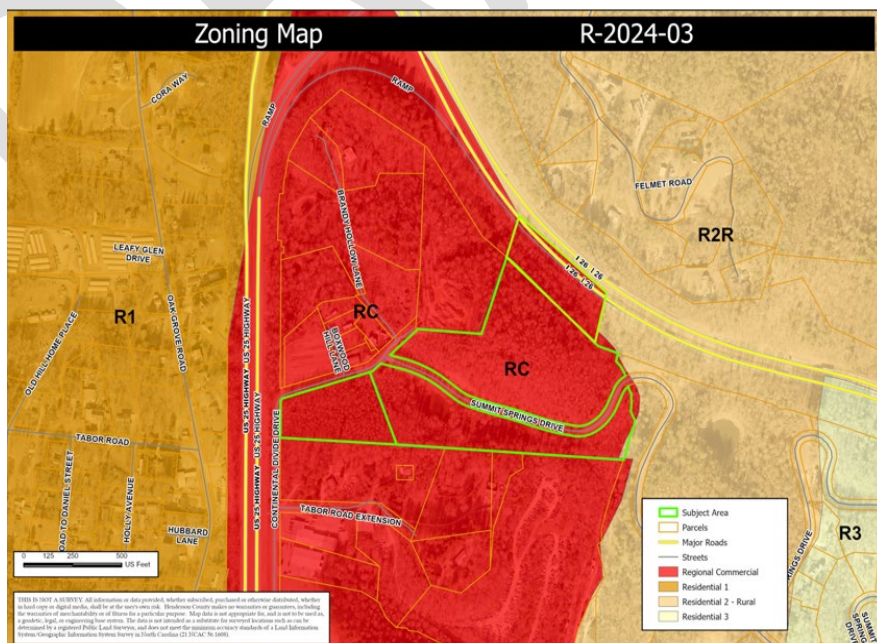
2045 Comprehensive Plan Consistency Statement

1) The Board reviewed the proposed map amendment (#R-2024-03, Continental Divide Dr) and finds that it is reasonable, in the public interest, and consistent with the 2045 Comprehensive Plan and

- The subject area is outside the Utility Service Area and working agricultural lands.
- Residential Two Rural (R2R) has a standard residential density of one unit per acre and adheres to the Transitional Area's "limited density".
- Residential Two Rural's (R2R) primary use is residential, the main land use in the Transitional character area.

2) The Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County and

3) This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



Public Input: There was none.

Approved:

Chairman McCall made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Commissioner Hill made the motion the Board approve rezoning application #R-2024-03 to rezone the Subject Area from Regional Commercial (RC) to Residential Two Rural (R2R), based on the recommendations of the Henderson County Comprehensive Plan, and further moved that the Board adopt the resolution regarding the consistency with the 2045 Comprehensive Plan. All voted in favor, and the motion carried.

2024.106 LDC Text Amendment (TX-2024-02)

Chairman McCall made the motion to go in to the Public Hearing. All voted in favor, and the motion carried.

Planning staff received an application for a text amendment (#TX-2024-02) to address pre-existing mining and extraction operations established prior to 2007, which was the adoption of the LDC. These operations operate under a state-issued permit and must adhere to all state-required regulations and setbacks, including reporting, monitoring, and environmental requirements. Under the LDC, uses established prior to 2007 are vested, but the code does not specifically state that these uses can continue to operate under its allowed state permit. These uses are established and permitted through the state, and the state has full authority and oversight of the operation. This amendment allows existing vested operations to continue to operate under their active state mining permit and will allow for the associated accessory uses to the operation.

The Planning Board reviewed the proposed text amendment on July 18, 2024, and voted unanimously to recommend approval by the Board of Commissioners.

PUBLIC NOTICE:

A public notice for this public hearing was advertised in the Hendersonville Lightning on Wednesday, July 24th, and Wednesday, July 31st, to meet the requirements of NCGS §160D-601.

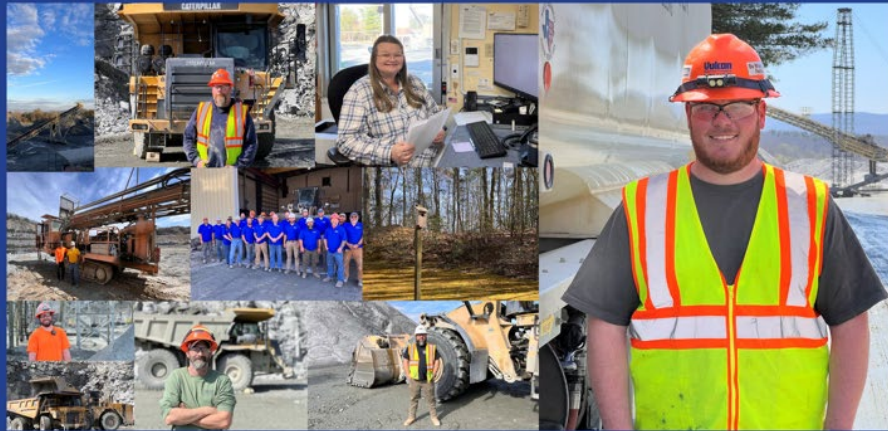
Vulcan Materials Company Operational Manager Steve Jetter presented the following:

Text Amendment Application TX-2024-02

- Text Amendment Application #TX-2024-02
- Submitted by Vulcan
- Address pre-existing mining and extraction operations established prior to 2007 (LDC adoption)
- These operations operate under a state-issued permit
 - They must adhere to all state-required regulations, setbacks, reporting, monitoring, environmental requirements, etc.
- The proposed amendment would allow existing vested operations to continue to operate under their active state mining permit with associated accessory uses to the operation
- New mining and extraction operations would still adhere to the current LDC regulations

Approved:

- On July 18, 2024, the Planning Board reviewed the application and recommended that the BOC approve the text amendment application
- The Public Hearing was noticed in the Hendersonville Lightning on Wednesday, July 24th and Wednesday, July 31st
- Representatives from Vulcan are here to present the reasonings for the proposed text amendment



Doing The Right Thing,
The Right Way,
At The Right Time.

Hendersonville Quarry

Optimization Plan Briefing
July 2024



Vulcan
Materials Company
Hendersonville Quarry

CONSTRUCTION AGGREGATES

Drive our economy.



How much do we need?

38,000 tons
builds one lane-mile of a four-lane interstate highway

400 tons
builds the average home

80%
amount of aggregate in concrete

94%
amount of aggregate in asphalt pavement

OUR PRODUCTS

Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com



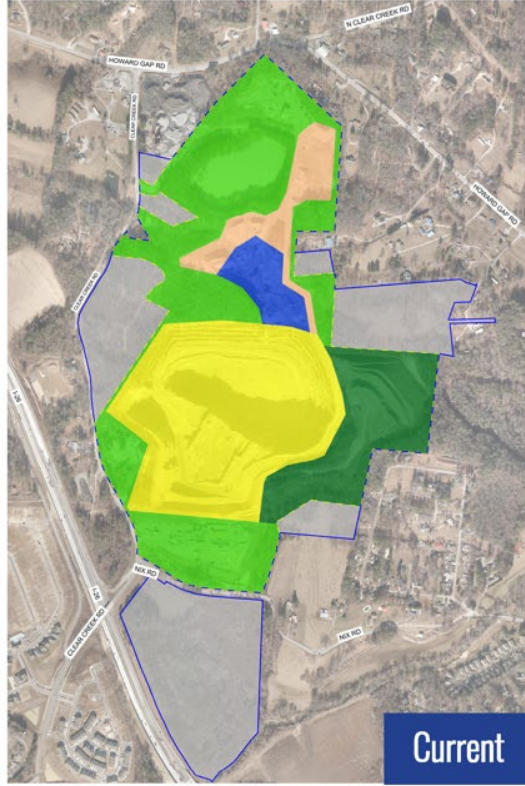
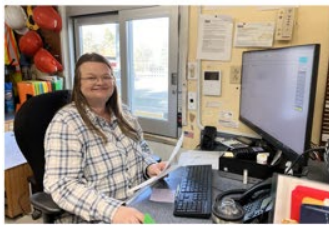
Vulcan
Materials Company
Hendersonville Quarry

Approved:



Overview

- Quarry operations began in 1962
- Total area: 236 Acres
- Existing limit: 168 acres
- Future use area: 68 acres
- 26 full-time employees
- On average, produces 1.1 million+ tons annually



- Operations Area
- Mining Area
- Overburden Area
- Stockpile & Customer Loading
- Plant Area
- Future Use Area
- Controlled Property
- Existing Limit

Current

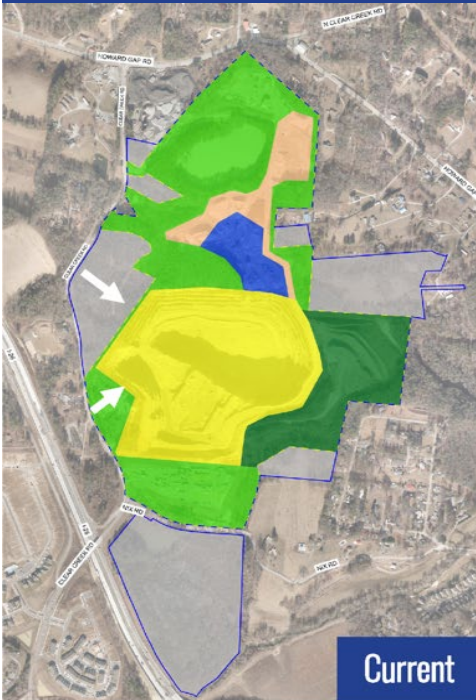
SITE OVERVIEW

Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com

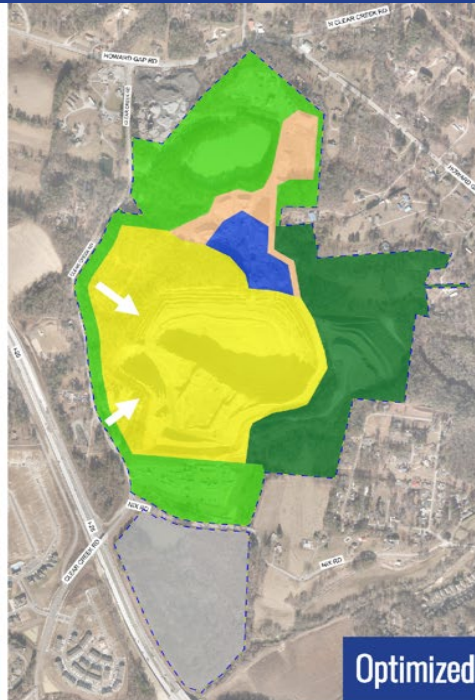


Vulcan
Materials Company
Hendersonville Quarry

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Current



Optimized

70%+
Mining efficiency gain
within current limit

- Operations Area
- Mining Area
- Overburden Area
- Stockpile & Customer Loading
- Plant Area
- Future Use Area
- Controlled Property
- Existing Limit

OPTIMIZATION PLAN

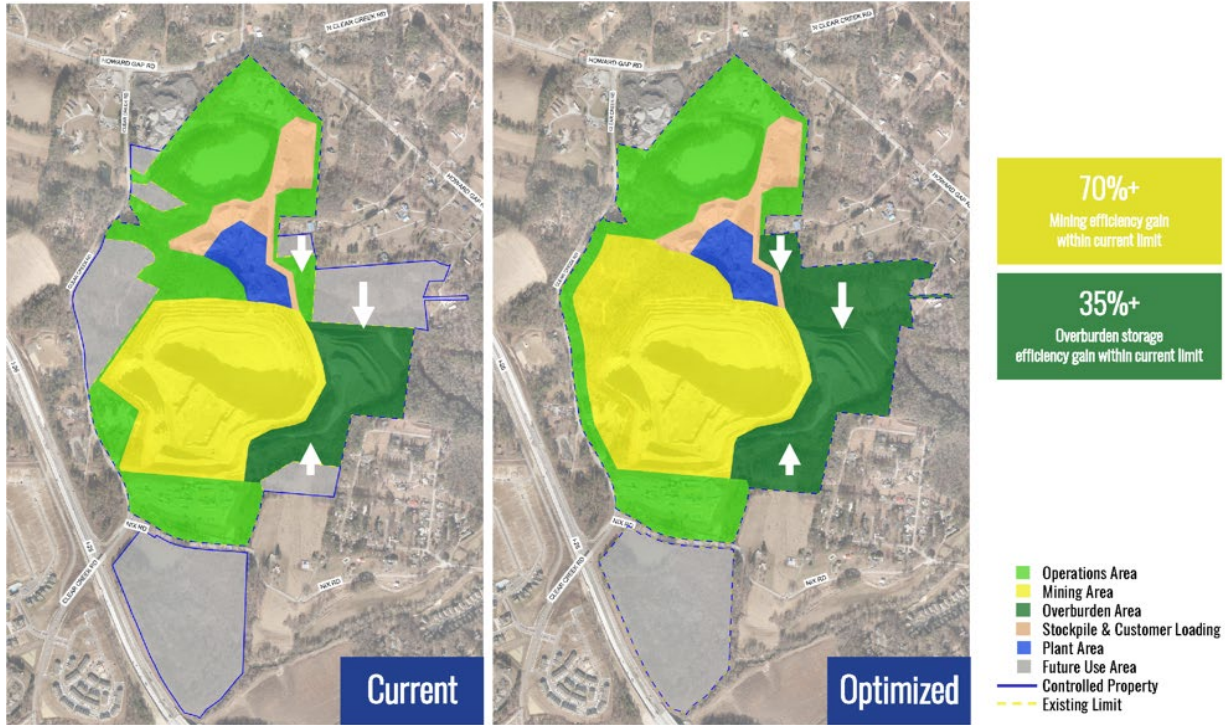
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Approved:



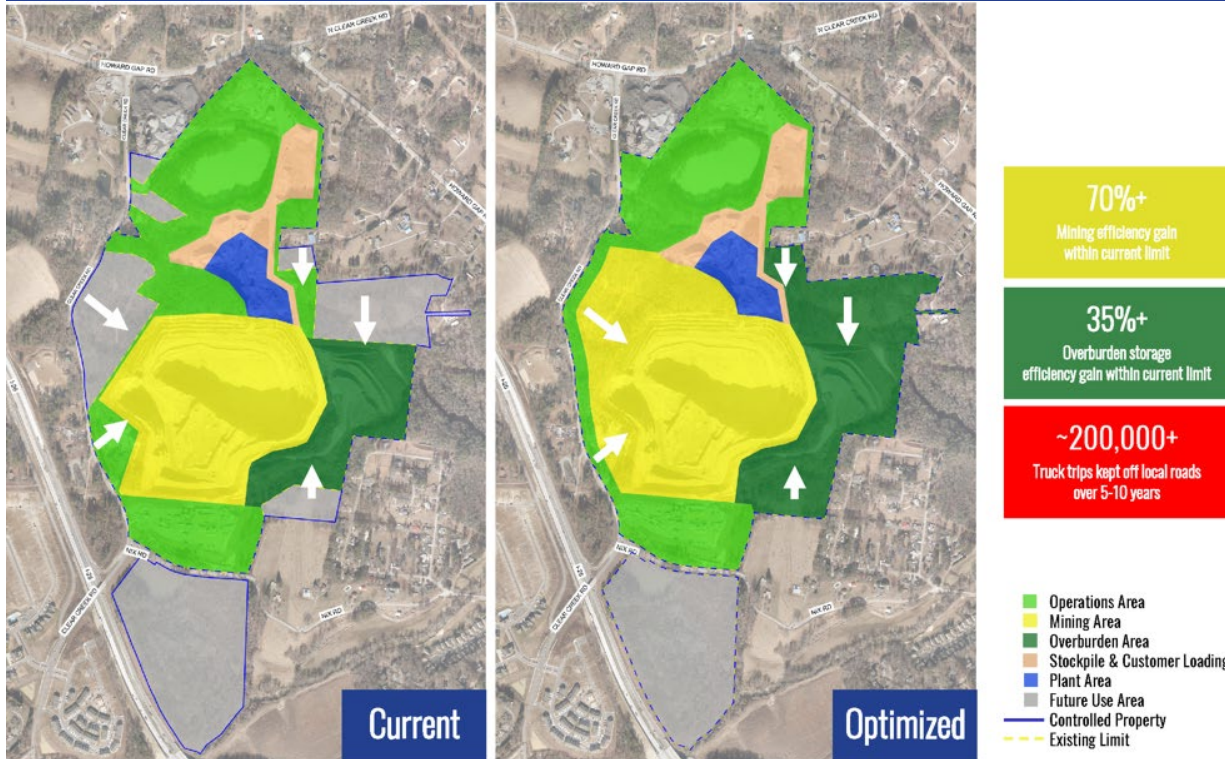
OPTIMIZATION PLAN

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OPTIMIZATION PLAN

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6

Approved:

Public Input: There was none.

Vice-Chair Edney made the motion to go out of the public hearing. All voted in favor, and the motion carried.

Commissioner Lapsley made the motion that the Board of Commissioners approve the proposed text amendment TX-2024-02 with any changes as discussed and find that these changes are reasonable and consistent with the 2045 Comprehensive Plan with the approval of the resolution statement.

Commissioner Hill suggested that Commissioner Lapsley modify his motion to allow the applicant to include their office and maintenance facilities. However, Lapsley declined, stating that his motion would stand.

The motion passed with a 3/2 vote. Commissioners Hill and Andreotta were the nay votes.

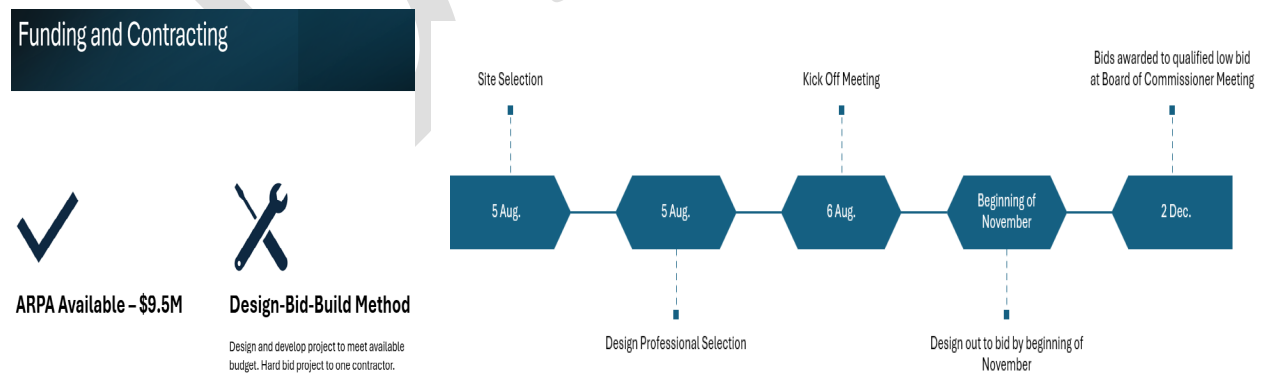
DISCUSSION

Sports Complex – Site Selection

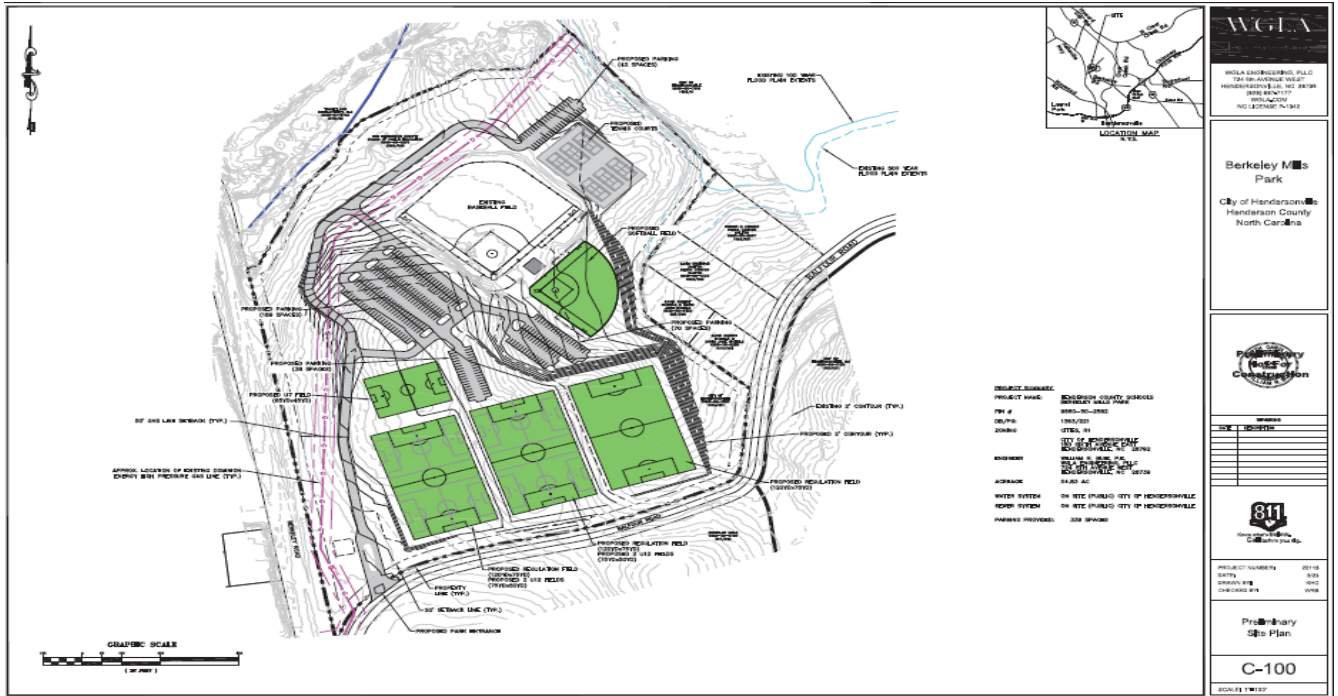
The Board as part of their July 17, 2024, meeting, directed staff to investigate property under the control of the County, which would be suitable for the development of a multi-field sports complex. Jackson Park and Berkley Mills Park were identified as part of that process. Henderson County has vacant land within Jackson Park, which could support a 4-field sports complex. Berkley Mills Park, which is owned by the Henderson County Public School Board (HCPS Board), has vacant land that could support at least 3.25 full-size multi-sport fields along with softball and tennis.

The HCPS Board met on July 29th to discuss its desire to partner with the County at Berkley Mills Park to develop a sports complex. As a result of that meeting, the HCPS Board sent a letter to the County, which is attached to these minutes.

Based on conversations with staff and WGLA, the expected cost range for Jackson Park is between \$9M and \$10M. The cost would include four full-size fields and parking. The predicted cost range for Berkley Mills Park is between \$12M and \$14M. The cost would include 3.25 fields, six tennis courts, a softball field, and parking.



Berkeley Mills Park Conceptual Plan



The letter received from the School Board stated that the School Board would be willing to transfer ownership of the Berkeley property to the county if the outlined conditions were met. Those conditions, based on the conceptual plan provided, included grading the entirety of the site to meet this standard if the funding available does not allow the entirety of the design to be constructed. The project's expected cost was approximately \$12-\$14 million. Mr. Todd believed there was close to enough funding to provide the grading for the site and the sports fields.

Regardless of the site chosen, the next step would be to work with the design team to fine-tune the budget and submit the project to bid in time to meet ARPA funding deadlines.

Jackson Park Conceptual Plan



Approved:

The high-level conceptual plan for Jackson Park included four multisport fields, expected to cost approximately \$9-\$10 million. The heavily wooded property is land that the county already controls. And, at the time, it was the county's centrally located "flagship" park.

Chairman McCall clarified that the conditions specified by the School Board were that the grading for the softball and tennis courts for the Berkeley site be completed. Mr. Todd said that was correct. What he understood conveyed in the letter was that if adequate funding was available to complete the entire project, that was preferred, but if not, at least the grading would be completed. Then, when funds become available, allocate funds for the completion of the project.

Vice-Chair Edney asked for the exact amount of funding available for the project. Financial Services Director Samantha Reynolds informed the Board that \$9,508,879 had been allocated for the project. Edney then asked for the scope of work that may be completed for the funds available. Mr. Todd said using WGLA numbers, which are no longer accurate in the changing market, there was a belief that the \$9.5M would get the project close at either site to accomplishing the flat, multi-sport fields. Staff was already working toward value-engineering the project and putting in add/alternates to maximize available funds.

After discussing the pros and cons of each location, Commissioner Hill and Commissioner Andreotta favored the Jackson Park location. Chairman McCall, Vice-Chair Edney, and Commissioner Lapsley favored Berkeley.

Chris Todd said the Recreation Advisory Board held a meeting the previous Thursday. Mr. Todd attended the meeting and shared a summary of the discussion. After debating both locations, the Recreation Advisory Board determined the following:

- Traffic flow into and out of Berkeley Park would be easier
- The area where the fields would fit within Jackson Park has natural resources that the Recreational Advisory Board wished to protect
- The beloved disc golf course at Jackson would have to be reworked.
- Jackson Park is considered a birding area.

The Advisory Board agreed that Berkeley Park was the preferred location for those reasons.

Commissioner Andreotta's comments were as follows: "For context, I think the public has a right to know; I think either one of these sites has a lot of pros and cons. Eight to ten months ago, what we were talking about tonight was proposed. It was. And I was one of the staunchest champions of it. I am speaking, to be clear, about Berkeley. That deal got rejected by the School Board, and the conversation stopped. I don't think it is coincidental that they resumed very quickly when we had \$9.5 million that we needed to allocate quickly. And that's fine. However, some commented that "our contribution is the land." No, it isn't, it's not yours. "We got a better deal by waiting a year." Not really, because had this proposal been accepted 8-10 months ago, how much money would have been spent and how much work could have been done, and we still were going to? We didn't know, but we still were going to have \$9.5 million free up. So, however much could have been spent and done, we are that much worse off in reality by waiting. It would be great at either

Approved:

Berkeley or Jackson, but I think the public sometimes, especially when narratives get disseminated. The biggest thing that bothers me in this office is the difference between what I know facts to be and what narratives occasionally get disseminated. So the public needs to know that.”

Commissioner Lapsley made the motion the Board of Commissioners approve the selection of Berkeley Mills Park as the site to develop a sports complex.

Chairman McCall asked the Clerk to poll the Board.

The motion passed with a 3/2 vote. Commissioners Hill and Andreotta were the nay votes.

Selection for Engineering Services Sports Complex

As directed by the Board with the allocation of project funding, staff released a Request for Qualifications (RFQ) for engineering services to design, permit, bid, and administer construction for the County’s proposed Sports Complex.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed an RFQ, posted it on the county's website, and advertised it in a local newspaper on July 23, 2024. The responses were received by 9:00 a.m. on August 5, 2024. In addition to NCGS 143-64.31, the RFQ was compliant with the American Rescue Plan Act.

Staff received the responses and then presented a recommended firm to the Board for selection. The funding deadlines necessitate a quick turnaround of the responses. Upon the Board's approval of selection, staff will negotiate an agreement with the firm and bring the agreement back to the Board for approval.

Chirs Todd said that while WGLA had drawn the conceptual plans for the project, they would not be the design firm that completed the final design. As WGLA did not submit a proposal for the RFQ for consideration, the design plan could change.

Designer Selection RFQ Response

- Staff Recommends WithersRavenel as design firm for the proposed sports complex project.

Chairman McCall asked that the Board be provided with a list of similar projects that Withers Ravenel has worked on.

Commissioner Lapsley made the motion the Board approve the selection of Withers Ravenel as the most qualified responding firm to provide engineering services for the Sports Complex and direct Staff to attempt to negotiate a contract with the firm. All voted in favor, and the motion carried.

Commissioner Andreotta stated the following: “Madam Chair, quick question. We keep referencing the timeline, and there is a lot of information that we look to receive back. I think it would be prudent for this Board to schedule a special called meeting on Tuesday, August 20. The School Board meets the day before, on August 19, so there may be new communication from them. If there is information coming back from the firm we just selected and possibly the school board,

Approved:

I think it is important that we meet. Otherwise, we are looking at Tuesday, September 3, 2024, for our next meeting. That is another two weeks we would lose. I think that would be prudent.”

Commissioner Andreotta made the motion for the Board to schedule a special called meeting on Tuesday, August 20, 2024, at 9:30 a.m. to discuss the Sports Complex project. All voted in favor, and the motion carried.

NCACC Legislative Goals (Add on)

Chairman McCall explained that the North Carolina Association of County Commissioners works together as a collaborative of 100 counties to bring a list of goals to the legislature to be focused on throughout the coming year. The recommendations for that list are due August 23. The Board needed to discuss what goals to submit on behalf of Henderson County.

The following goals were identified:

- Seek funding or reach a conclusion on raising significant funding for North Carolina Department of Transportation roadway projects.
- Seek funding to expand resources for North Carolina counties' capital infrastructure.
- Seek legislation to enable North Carolina county governments to have oversight and decision-making authority over public school budgets.
- Seek legislation to allow fire department employees the ability to participate in the North Carolina Local Government Employee Retirement System (LGERS).
- Seek legislation to provide greater flexibility to individual public school boards when setting school calendars.
- Seek legislation to allow sheriff's deputies to return to employment following retirement while retaining retirement benefits.
- Support and encourage North Carolina schools to purchase produce from North Carolina farms for school meals.
- Support an increase in North Carolina behavioral health facilities

NOMINATIONS AND APPOINTMENTS

1. Henderson County Board of Equalization and Review – 1 vac.

There were no nominations, and this was rolled to the next meeting.

2. Home and Community Care Block Grant Advisory Committee – 1 vac.

There were no nominations, and this was rolled to the next meeting.

3. Industrial Facilities and Pollution Control Financing Authority – 2 vacs.

Approved:

There were no nominations, and this was rolled to the next meeting.

4. Juvenile Crime Prevention Council – 3 vacs.

There were no nominations, and this was rolled to the next meeting.

5. Laurel Park Zoning Board of Adjustment – 1 vac.

There were no nominations, and this was rolled to the next meeting.

6. Mountain Area Workforce Development Board – 1 vac.

Chairman McCall nominated Marsha Justice for appointment to seat #2. All voted in favor, and the motion carried.

7. Nursing/Adult Care Home Community Advisory Committee – 8 vacs.

There were no nominations, and this was rolled to the next meeting.

COMMISSIONER UPDATES

Commissioner Andreotta reminded everyone that Henderson County Schools will begin their school year on Monday.

Commissioner Hill shared that the Farmland Preservation Task Force had created a draft ordinance that received many comments at their last meeting. The staff has taken those comments and expects a revised draft out later.

Chairman McCall shared that the Board would hold the ribbon cutting for the Upward Elementary project on Wednesday at 10:00 a.m.

COUNTY MANAGER'S REPORT

John Mitchell thanked Public Safety Director Jimmy Brissie and emergency management personnel for their hard work during the flash flooding on Tuesday of last week.

Vice-Chair Edney made the motion to go into Closed Session pursuant to 143.318.11(a)(3)(5), & (6). All voted in favor, and the motion carried.

ADJOURN

Denisa Lauffer, Clerk to the Board

Rebecca McCall, Chairman

Approved: